



**U.S. Department of Justice
Consumer Protection Branch**

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December 18, 2023

By ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. B4B Earth Tea LLC, et al.* No. 22-CV-1159

Dear Judge Levy:

During the November 28, 2023 status conference in the above-captioned case, the Court directed the parties to submit within 20 days a proposed protective order pertaining to ingredient information relating to Defendant's tea. Later that same day, the United States emailed Defendant a proposed protective order. After repeated inquiries as to whether Defendant would agree to the proposed order – or would suggest changes – on December 13, 2023, Defendant responded: "Disagree." In addition to indicating that Defendant will not agree to the proposed protective order, his response also indicated that Defendant remains unwilling to produce to the United States any responsive ingredient information, notwithstanding the Court's admonition during the status conference that Defendant must produce information responsive to the United States' discovery requests, even if it may constitute trade secrets.

With this letter, the United States submits the proposed protective order, as well as correspondence with Defendant relating to it. If the court so requires, the government will file a formal motion for it to enter the attached protective order over defendant's objections.

In addition to ECF filing, the United States will provide Defendant with a copy of this letter and its attachments by email.

Respectfully submitted,

/s/

James T. Nelson
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U.S. Department of Justice
Consumer Protection Branch
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Attachments